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Subject: EPA Mid-Atlantic Region Headlines - Friday, February 8, 2019

EPA Mid-Atlantic Region Headlines

Friday, February 8, 2019

*** DAILY HOT LIST ***

New Bay cleanup plans on schedule despite federal shutdown

CHESAPEAKE BAY JOURNAL Despite a 35-day government shutdown that sidelined federal agency involvement, Chesapeake Bay restoration leaders say they are committed to maintaining the deadline to complete new cleanup plans. Senior state and federal officials said at a meeting last week that they intend to complete draft watershed implementation plans and submit them to the U.S. Environmental Protection Agency for review by the original deadline of April 12. "I would say it would be premature right now to revise the Phase III WIP schedule," said Maryland Department of the Environment Secretary Ben Grumbles, who chairs the Bay Program's Principals' Staff Committee. While the closure caused some delays, such as the ability to share and analyze data related to plan development with federal officials, Grumbles said, it was important for states to "reiterate our strong commitment to staying on schedule as much as possible." The shutdown had raised concerns that it could delay development of the plans, an issue that even came up during the Senate confirmation hearing for Andrew Wheeler, now acting EPA administrator, to head the agency. States are required to write updated plans showing how they will meet cleanup goals established in the Chesapeake Bay Total Maximum Daily Load, often called the Bay's "pollution diet," from now through the 2025 cleanup deadline. The plans have to show what actions the states will take to achieve the needed nutrient and sediment pollution reductions to restore the Bay's health, and demonstrate that states have adequate programs, staffing, regulations, funding and other support necessary to achieve the goals. The plan-writing process is also supposed to involve local leaders and include more localized pollution reduction planning targets...

An Environmental 'Nightmare' in Minden, W.Va.

WEST VIRGINIA PUBLIC BROADCASTING ([Audio link - Minden discussion begins at 11:20](#)) West Virginia Public Broadcasting's Energy and Environment Reporter Brittany Patterson joins us again on The Legislature Today to lead a discussion exploring environmental issues in West Virginia. She brings us a special report from Minden, West Virginia, and she chats with a lawmaker in the House of Delegates who's also an environmental scientist...

Water quality rule approved on environmental day at capitol

WEST VIRGINIA METRO NEWS CHARLESTON, W.Va. — The Senate passed along party lines on Thursday a water quality rule that has been the subject of a months-long tug of war between environmental and business interests. Judiciary chair Charles Trump, R-Morgan, opened his explanation of the rule and his action on it by saying, "I think I've succeeded in making absolutely everyone unhappy." Agency rules are how they carry out their duties dictated in state code. They're typically eye-glazing things that don't draw much press or attention. But this one drew a couple dozen people to a rally before the floor session – some of them wearing green or blue T-shirts proclaiming them a "rogue environmentalist." The rule is included in SB 163, a rules bundle containing eight separate rules bills. It deals with

Department of Environmental Protection human health standards for wastewater permits and pollutants – some of them carcinogenic – in wastewater discharge. The U.S. EPA recommends levels for 93 contaminants, but doesn't mandate states follow those recommendations. West Virginia, as with most states, doesn't regulate all 93. In July, following its triennial review, it proposed a rule adopting EPA recommendations for 60 of the pollutants. Not all of the new standards were stricter than the previous, some allowed higher levels of the particular chemical or compound. In November, the interim Rule Making Review Committee, at the behest of industry, asked DEP to withdraw its recommendation and retain the standards EPA set in the mid-1980s...

Lawmakers' Clairton Coke Works hearing draws suggestions, criticism over fire response

STATE IMPACT PENNSYLVANIA Steelworkers and residents near U.S. Steel's Clairton Coke Works packed a hearing Thursday afternoon that Democratic state lawmakers convened over recent air quality problems stemming from a December fire at the facility near Pittsburgh. The fire damaged pollution control equipment, and a nearby air monitor has since detected several spikes of sulfur dioxide, an irritant that can cause respiratory issues. Dr. Karen Hacker, director of the Allegheny County Health Department, told lawmakers that her agency is installing several new monitors in the area. "We all are entitled to clean air," she said to the panel, which was a joint Senate-House Democratic Policy Committee that met in Clairton. She offered a host of recommendations to legislators and said her office is already working on them with the Pennsylvania Department of Environmental Protection and legislative staff. Among her suggestions are new policies to allow for the immediate shutdown of facilities whose emissions exceed air quality standards at monitors, as well as requiring that coke plants and other industrial facilities reduce production on days with bad air quality. She also asked for rules requiring industry officials to notify communities affected by problems that could impact public health, and ones increasing monetary penalties for air quality violations. "That's precisely what we're trying to get to, ways in which we can make it easier for you to do your work and be able to do what needs to be done to make sure these facilities are in compliance," said Sen. Jay Costa, D-Forest Hills. Jim Kelly, the county's deputy director for environmental health, said the health department will levy an enforcement action against U.S. Steel once it has finished analyzing the recent air quality problems. Lawmakers on Thursday also heard from union members, U.S. Steel representatives and environmental and health advocates...

Pittsburgh water agency to spend \$50M to replace lead pipes

ASSOCIATED PRESS Pittsburgh's beleaguered water authority will spend \$50 million to replace lead service lines, give filters to low-income residents and take other steps to address the city's lead crisis under a settlement approved Thursday by state utility regulators. It comes a week after the Pennsylvania attorney general's office filed criminal charges against the Pittsburgh Water and Sewer Authority, alleging it mishandled a lead pipe replacement program in 2016 and 2017 and put more than 150 households at elevated risk of lead poisoning. The authority, which had previously admitted civil liability in the case and was fined \$2.4 million by state environmental regulators, is fighting the charges. Clean-water advocates hailed Thursday's settlement as a significant step toward reducing lead levels in the city's drinking water, and as a model for other cities also struggling with lead. "The people of Pittsburgh have been drinking lead-contaminated water for far too long. This settlement requires aggressive, affordable solutions to protect public health and hold officials accountable to the people they serve. It's what Pittsburgh and every community in America deserves," Dimple Chaudhary, an attorney for the Natural Resources Defense Council, said in a statement. Chaudhary, who led a lawsuit over lead water pipes in Flint, Michigan, represented a coalition of Pittsburgh community, labor, religious and environmental groups in the Pittsburgh Water and Sewer Authority's rate case before the Public Utility Commission. The utility agreed to accelerate its existing lead line replacement program, promising to swap out 3,800 of its own water lines and 2,800 privately owned lines, at no charge to residents, this year and next. The money will come from grants and a loan from the Pennsylvania Infrastructure Investment Authority, or Pennvest, which funds sewer, storm water and drinking water projects throughout the state...

Md. Cracks Down on Idling School Bus Pollution

CHESAPEAKE BAY MAGAZINE The bus and car pool lines at Bay-region schools are polluting the air we breathe, and the state of Maryland just launched a new program to change that. As school bus drivers and parents wait

for students to be let out from school, they usually keep their vehicles running— and that's pumping toxins into the air. Of course, the first people to breathe in those toxins are school children. Now the Maryland Departments of the Environment (MDE) and Education are teaming up for the new "Idle Free MD" Program. It aims to reduce school bus and other vehicle emissions in school dropoff and pickup areas. Studies show that idling for more than 1 seconds uses more fuel, and thus, produces more carbon monoxide, than stopping and restarting an engine. Simply turning off vehicles in the pickup line would cut levels of carbon dioxide, particles, and nitrogen oxide pollution in the air, improving the health of students. "Children are particularly vulnerable to vehicle exhaust pollution, which can cause cancer, asthma, and other serious illnesses," says Environment Secretary Ben Grumbles. There's a threat to the Bay and its ecosystem, too. Reduced carbon dioxide and nitrogen levels in the atmosphere lead to healthier marine life, according to MDE. 23 schools around the state have already put anti-idling measures into place in their bus loading zones, and the state wants more schools to step forward and adopt the measures, too. "We are gratified that so many schools and school systems have stepped forward voluntarily to join in this program. We expect them to be the first of many," says Dr. Karen Salmon, State Superintendent of Schools. But what about all that starting and stopping? What about keeping the engine warm? According to the state, idling is actually worse for your vehicle's engine than idling is: "Idling damages engines and decreases engine life..."

Federal Workforce: Democrats introduce pay raise measure

GREENWIRE Democrats from the House and Senate are teaming up again on legislation to give federal workers a pay raise in 2020. Rep. Gerry Connolly of Virginia and Sen. Brian Schatz of Hawaii are reintroducing the "Federal Adjustment of Income Rates (FAIR) Act" to boost federal worker salaries by 3.6 percent in 2020. The lawmakers linked the need for the pay increases to the recent partial government shutdown, which forced around 800,000 federal workers to go without two paychecks more than 35 days. Schatz noted that federal workers across the country have seen earnings slashed due to sequestration and pay freezes in recent years. "Then they had to suffer through the longest government shutdown in history. It's time to do right by federal workers. Our bill would help give these public servants the raise they deserve," he said in a statement. The reintroduction of the "FAIR Act" follows efforts by both lawmakers to increase salaries for federal employees this year. Last week, the House passed legislation co-sponsored by Connolly that would give federal workers a 2.6 percent raise for 2019. A companion bill, co-sponsored by Schatz, is promoting the same level increase. The Democratic bills are aimed at reversing a federal worker pay freeze President Trump put in place for 2019. Unions such as the National Federation of Federal Employees, the American Federation of Government Employees and the National Treasury Employees Union supported the "FAIR Act," saying it would be an important tool for attracting talented people to government jobs and help paychecks keep up with the rising cost of living...

PENNSYLVANIA

PHILADELPHIA INQUIRER

Schuylkill wildlife clinic reopens after hiatus in Roxborough Mealworms wriggled. Stressed-out pigeons chilled in cages covered with towels. Rebecca Michelin used a syringe to feed a tiny Northern saw-whet owl. Things are getting back to normal at the Schuylkill Center for Environmental Education's wildlife clinic in Roxborough after a several-month hiatus due to personnel problems. The clinic, part of the Schuylkill Center's 300-acre parcel, was closed for several months in 2018 after Rick Schubert, its former head of wildlife rehabilitation, was fired after 13 years in the role. The clinic reopened on Nov. 10, again accepting sick and injured mammals, songbirds, and raptors with the goal of releasing them back into the wild. The clinic celebrated an official grand opening Saturday. and Michelin, its new director, said animals are slowly being taken in. "Because we've just reopened, we're seeing overwintering animals, and the majority of those are birds," Michelin, 33, said at the clinic one day last week. "It's a pretty evenly split majority between songbirds and raptors. Most of them are either running into windows or getting hit by cars, although yesterday we did get a mourning dove that was attacked by a dog."...

Editorial: Public should dig deep for Schuylkill dredging project Schuylkill rowing enthusiasts are less than \$1 million away from the \$4.5 million they need to have 3.5 miles of the river dredged, to preserve it as the nation's premier regatta venue. But they don't have much time left. Paul Laskow, who has been working on the project since 2014 for the

Schuylkill Navy, the umbrella organization for Boathouse Row clubs, says they need to have finances lined up in March so the Army Corps of Engineers can bid out the job, get work started by July, and have the river ready for the fall racing season. Dredging removes silt and deepens the river. The river hasn't been dredged since 1999, and so much silt has built up under the rowing lanes that one of the six lanes is less than a foot deep in some places, while other lanes are close to 10 feet deep. That matters, because the deeper the lane, the easier it is for a racing boat to move through the water. These races are often won and lost by a fraction of a second. In competitions, all contestants should have the same course conditions. If coaches think their teams aren't having fair races, they can pull out of regattas or move them to another location. Regattas bring about \$25 million a year in tourism dollars to the city, and their absence would be an incalculable loss to Philadelphia life and history. Competitive rowing started in Philadelphia 160 years ago. The river hosts 33 regattas a year, including the Stotesbury Cup, which attracts 200 schools and is the largest high school competition in the world, and the Jefferson Dad Vail Regatta, which draws 150 college and universities and is the most competitive North American college regatta... With the federal government out of the funding business, Mayor Jim Kenney's administration and river users — the Boathouse Row clubs, six universities that use the river, private donors, and foundations — are stepping up to cover dredging expenses and a plan to maintain the waterway and hold onto its regattas. But the public has a role to play as well, and can donate at boathouserow.org. Paul Horvat, commodore of the Schuylkill Navy, said the plan is to raise up to 70 percent of funds needed for routine dredging about every 10 years. Horvat said the group decided that "failure is not an option." We agree.

A Mandarin duck was a Central Park sensation. Now, one's been spotted in Delco. Gliding through the mud-colored mallards over the frosty waters of Ridley Park Lake, he was a king among commoners. Showing off his technicolor plume, he paused before paddling near the photographer on the water's edge, a feathered model beckoning for a glamour shot on an algae-lined runway. Even in the waning winter light, Brian Quindlen knew what he saw: The "hot duck" had come to Delaware County. "Seeing something like that, it just makes you feel like a kid again," said Quindlen, an avid Philadelphia bird-watcher who rushed to East Lake Park in Ridley Park on a Sunday in January after receiving a text alert that the rare fowl sporting a colorful coat in hues of reds, blues, purples, and greens had landed in the area. His best angles? All of them. "This thing sticks out," he said. "It's like looking at a gem in a very dreary winter haystack, you know what I mean?"...

PITTSBURGH POST-GAZETTE

Post-Gazette Asks Court To Unseal Washington County Shale Gas Case Settlement

The Pittsburgh Post-Gazette is seeking to unseal the confidential settlement of a high-profile court case in which Stacey Haney and her neighbors allege their health was damaged by toxic spills, leaks and air pollutants from a Range Resources Appalachia LLC shale gas well site in Amwell, Washington County. Attorney Frederick Frank, representing the Post-Gazette, Monday filed an emergency petition with Judge Michael J. Lucas in the Washington County Court of Common Pleas to intervene and unseal the settlement in that six-year-long case filed in 2012. Following a brief hearing on the motion Thursday morning, Judge Lucas scheduled arguments for 1 p.m., Monday, Feb. 25, on both the newspaper's request to ...

Consol says the market will gobble up as much coal as it can produce

Consol Energy Inc. executives said the company's first full year as a stand-alone coal miner was a resounding success. It produced and sold more coal from its Pennsylvania Mining Complex than ever. At a time when the nation's coal production is shrinking, CEO Jimmy Brock said — it's down 25 percent since 2012, according to the U.S. Energy Information Administration — Consol boasted production records from "assets that have been in operation for 30 years." Mr. Brock said he expects to keep that...

PITTSBURGH TRIBUNE REVIEW

Murrysville Will Retrofit 13 More Stormwater Ponds To Comply With State's Pollution Reduction Plan In December, Murrysville council voted to partner with the Westmoreland Conservation District in retrofitting a half-dozen detention ponds so that they will hold more storm water for a longer period of time, part of the municipality's state-mandated pollution reduction plan. Now, they will need a dozen or so more. Part of Murrysville's municipal separate storm sewer system, or MS4, permit renewal includes adopting a pollution reduction plan, which requires MS4 communities to reduce pollution in state waters by 10 percent. That plan required engineer Scott Hilty to designate parts of the municipality as "urbanized areas," places where more pollutants typically enter into local watersheds. That designation

forced a reduction in the number of best-management-practice areas municipal officials could submit as part of the pollution reduction plan. Hilty said an additional 13 ponds will be retrofitted to release storm water more slowly and reach the state's 10 percent goal. "We're going to reduce the restrictions so (they) hold more water, and the goal is to try and reduce the sediment that gets carried into commonwealth waters," he said. There are significant costs associated with the program, according to municipal Chief Administrator Jim Morrison. Each retrofit costs about \$10,000...

Residents Pack Meeting With Lawmakers About Clairton Coke (Coal) Works Fire U.S. Steel representatives told a panel of state lawmakers Thursday that operations will not be business as usual following a fire at Clairton Coke Works that heightened concerns over the region's air quality. "I'll take responsibility," Chris Masciantonio, U.S. Steel director of government affairs and public policy said. "I should be notifying each of you, and we'll set up a system in the future to do that." The standing-room-only hearing lasted nearly four hours and included residents, environmental advocacy groups and U.S. Steel employees in the audience. Masciantonio, along with several other representatives from U.S. Steel, Allegheny County Health Department officials, union representatives and environmental advocates appeared at Clairton City Hall to discuss health risks to the public following a Dec. 24 fire at the Clairton Coke Works facility. The fire caused significant damage that has hindered the facility's ability to clean coke oven gas, which has resulted in higher than normal emissions of sulfur dioxide, or SO₂. Residents and advocacy groups have questioned whether U.S. Steel, the health department and local officials have done enough to inform the public about potential public health risks and how to improve that communication moving forward. "The anger and frustration you are hearing from your constituents — and reading about in the newspaper and on social media — is not just about the fire, the poor air quality it created and the initial lack of information provided to the public," Rachel Filippini, executive director of the Group Against Smog and Pollution told lawmakers. "This anger, anxiety and frustration are the results of residents enduring decades of air pollution while seeing enforcement of law that has, to date, proven ineffective."...

4 Homes Evacuated In Pittsburgh After Thick, Goopy Mudslide Pittsburgh officials were keeping a close watch Thursday on a mudslide that caused the evacuation of four homes in the Allentown neighborhood, officials said. City Operations Chief Guy Costa said "thick, goopy mud" is running down a steep hillside below McClain Street and threatening three houses along Arlington Avenue. Officials told residents to leave their homes. A dog from one house had to be taken because the owner wasn't home. They evacuated a fourth house on McClain directly above the slide as a precaution. "Water and mud continue to come off the hillside," Costa said. "Mud and water are seeping into one building. It's a thick, goopy mud and constant flow of water." Arlington Avenue remains open, but Costa said the city might have to close it if the slide worsens. Engineers were on site Thursday assessing damages, he said. The city has yet to determine the cause...

STATE IMPACT PENNSYLVANIA (NPR)

Lawmakers' Clairton Coke Works hearing draws suggestions, criticism over fire response Steelworkers and residents near U.S. Steel's Clairton Coke Works packed a hearing Thursday afternoon that Democratic state lawmakers convened over recent air quality problems stemming from a December fire at the facility near Pittsburgh. The fire damaged pollution control equipment, and a nearby air monitor has since detected several spikes of sulfur dioxide, an irritant that can cause respiratory issues. Dr. Karen Hacker, director of the Allegheny County Health Department, told lawmakers that her agency is installing several new monitors in the area. "We all are entitled to clean air," she said to the panel, which was a joint Senate-House Democratic Policy Committee that met in Clairton. She offered a host of recommendations to legislators and said her office is already working on them with the Pennsylvania Department of Environmental Protection and legislative staff. Among her suggestions are new policies to allow for the immediate shutdown of facilities whose emissions exceed air quality standards at monitors, as well as requiring that coke plants and other industrial facilities reduce production on days with bad air quality. She also asked for rules requiring industry officials to notify communities affected by problems that could impact public health, and ones increasing monetary penalties for air quality violations. "That's precisely what we're trying to get to, ways in which we can make it easier for you to do your work and be able to do what needs to be done to make sure these facilities are in compliance," said Sen. Jay Costa, D-Forest Hills. Jim Kelly, the county's deputy director for environmental health, said the health department will levy an enforcement action against U.S. Steel once it has finished analyzing the recent air quality problems. Lawmakers on Thursday also heard from union members, U.S. Steel representatives and environmental and health advocates...

BUCKS COUNTY COURIER TIMES

Planners Deny OK For Development Of Last Farm In Middletown, Bucks County Before the vote by the township advisory board, more than a dozen residents spoke in opposition to the proposed development of 123 single-family homes on Stone Meadow Farms. Opponents of a proposed 123-home development on the site of Stone Meadows Farm scored a victory Wednesday night when the Middletown planning commission voted 7-0 to recommend against approval of the development. With an audience of about 100 looking on, the commission, which acts as an advisory board, voted in favor of member Charles Parkerson's motion recommending the project be denied because of issues over whether there should be 28- or 36-foot wide streets within the development and how open space would be acquired to build a connector road between the project and the adjacent Summit Trace development. Commission Chairman Rich Nuttall and members Parkerson, Holly Cunningham, Joseph Antonelli, Nancy McCann, John Medaglia and Tom Piacentino all voted in favor of the motion. Metropolitan Development Group's proposal calls for 123 single-family homes built in four phases on the 168-acre farm, with lots ranging from 24,000 square feet to 30,000 square feet or more. Development would not take place on 9.45 acres, where the farm's existing residence and buildings will remain, nor on about 47.65 acres of open space, split among 12 passive or active recreational areas...

GETTYSBURG TIMES

Eastern hellbender closer to becoming state's official state amphibian The Eastern hellbender is a step closer to becoming Pennsylvania's official state amphibian, after the state House State Government Committee overwhelmingly approved Senate Bill 9 this week. The committee voted 24-1 on Wednesday to pass Senate Bill 9 that would designate the Eastern hellbender as the commonwealth's official state amphibian. It now goes before the full House for consideration and if approved there, could proceed to Gov. Tom Wolf's desk for his signature...

LANCASTER NEWSPAPERS

Tanger crater was not a sinkhole; rebuilding plan OK'd Six months after a giant hole opened up at Tanger Outlets — causing scares, but no injuries — one thing is clear: It is not a sinkhole. That's according to Monica Trego, general manager of the East Lampeter Township shopping center off Route 30. Trego said Thursday she was told an investigation found "a whole array of issues" factored into the parking lot's Aug. 10 collapse over one of two underground basins that were part of a stormwater management system. Last year was Lancaster County's wettest on record, and when asked if rain played a role in the collapse, she said it clearly did "because it involved the stormwater management system." According to the Pennsylvania Department of Conservation and Natural Resources, sinkholes are surface depressions that have broken open to create a "void space in the soil (or rock)." Trego said the investigating and planning process took so long because Tanger hired a team of third-party engineers who had not been part of the original project "to lead a very thorough investigation to determine the cause or causes" of the situation, and "to ensure the utmost safety and security of our center." ...

WILKES-BARRE TIMES LEADER

Wilkes-Barre Council Needs Another Attempt To Passing Higher Recycling Fee WILKES-BARRE — A deadlocked vote Thursday on the increased recycling fee will lead to another attempt to pass it and use the additional revenue to balance the city's \$50.4 million general fund budget. Council vice chairman Bill Barrett and councilwoman Beth Gilbert opposed the \$10 hike that would raise the annual cost to \$60. Council chairman Mike Belusko and councilman Mike Merritt supported it. Councilman Tony Brooks was excused from the regularly scheduled public meeting and did not vote on the second and final reading of the ordinance to amend the city's Code of Ordinances to include the higher fee. The added cost would increase the line item revenue to \$840,000 annually from \$700,000. City Attorney Tim Henry said there would be another try when all five council members are present. "We'll do a second reading when we have a full council," Henry said. The ordinance passed a first reading Jan. 24 with Barrett, Belusko, Brooks and Merritt voting to advance it. Gilbert was excused from that meeting. Barrett explained his reversal on the second reading, saying he was "not a big fan of these to begin with." ...

WILKES-BARRE CITIZENS VOICE

Wilkes-Barre Recycling Fee Hike Headed For Defeat WILKES-BARRE — The city's proposed recycling fee increase — already included in Mayor Tony George's 2019 budget — now appears headed toward defeat after city council split 2-2 at Thursday night's council meeting on whether to approve the hike. Reached after the meeting, Councilman Tony

Brooks, who was absent, confirmed he would vote against the increase if it came up for a vote again. "I was overwhelmed the last two days by Facebook messages from my constituents who feel they are taxed too much," Brooks wrote in a text message. George's budget proposed increasing the annual recycling fee by \$10 to \$60. Council members Beth Gilbert and Bill Barrett voted against the increase. Mike Merritt and Mike Belusko voted to approve the increase. The money was already budgeted for 2019 and was expected to bring in around \$175,000. Council approved George's budget 4-1, with Gilbert casting the lone no vote...

YORK DAILY RECORD

Eastern hellbender one step closer to becoming official state amphibian of Pa. Senate Bill 9, which would designate the eastern hellbender as Pennsylvania's official state amphibian, was approved by the House State Government Committee by a margin of 24-1. The bill previously passed in the Senate, 48-1. The bill now goes before the full House for consideration and if approved there, could proceed to Gov. Tom Wolf's desk for his signature. Hellbenders survive where there is cold, clear, swift-running water. Folds of wrinkled skin provide a large surface through which they draw most of their oxygen. Warming waters, polluted runoff and a silt build up in streambeds have degraded habitat and decimated hellbender numbers in streams where they were plentiful as recently as 1990. "The hellbender is literally the canary in the mine and I think that's specifically why we should support this," Rep. Jeff Wheeland (R-Lycoming) told fellow committee members on Wednesday. "If you have hellbender in your district, in your streams, your folks are doing a great job." Supporters of the bill, including members of the Chesapeake Bay Foundation, see the hellbender as a symbol to showcase the importance of keeping waterways clean.

YORK DISPATCH

PHOTOS: Governor announces \$4.5 billion infrastructure initiative Governor Tom Wolf announces a \$4.5 billion initiative to provide improvements to infrastructure including high-speed internet, storm preparedness and disaster recovery and more...

PA ENVIRONMENT DIGEST BLOG (By PA DEP)

EPA Accepting Grant Application For Help To Develop Plan To Offset Lack Of Sediment Trapping Capacity At Conowingo Dam On February 7, the U.S. Environmental Protection Agency announced it has issued a Request for Applications (RFA) for organizations to help develop a Watershed Implementation Plan that will reduce nitrogen by 6 million pounds to offset the loss of sediment trapping capacity by the Conowingo Dam. Applications are due by March 20 and EPA plans to award the cooperative agreement(s) by this summer. The Chesapeake Bay Program Partnership has unanimously agreed to develop a collaborative Watershed Implementation Plan (WIP) to address pollutants associated with the loss of trapping capacity in the reservoir behind the Conowingo Dam. The Conowingo Dam sits across the Susquehanna River, a major tributary to the Chesapeake Bay. Studies conducted over the last several years have demonstrated that the Conowingo Dam reservoir has reached equilibrium and is no longer trapping nutrients...

NRDC-Pittsburgh Agrees To Terms For Tackling Its Lead Contaminated Water On February 7, the Public Utility Commission voted to approve a joint settlement which includes a 13 percent increase in water and wastewater service rates for the Pittsburgh Water & Sewer Authority. Click Here for more. Thanks to a legal agreement negotiated by local advocacy organizations like Pittsburgh United, the Pittsburgh Water and Sewer Authority will now safely replace thousands of its lead water lines and take significant new steps toward protecting residents' drinking water. "The people of Pittsburgh have been drinking lead-contaminated water for far too long," says Dimple Chaudhary, a senior attorney with NRDC. Pittsburgh United, a coalition of labor, faith, and environmental groups, advocated for the settlement, represented by lawyers from NRDC and the Pennsylvania Utility Law Project. The agreement controls how PWSA will spend nearly \$50 million in 2019 to safely remove the lead service lines. Specific requirements include improving access to tap water filters; prioritizing which lines are replaced first using public health factors, like lead levels in blood tests; and increasing discounts for low-income customers on their water bill.

COURTHOUSE NEWS

Pittsburgh Water Authority Will Pay \$50 Million To Address Lead Service Line Crisis PITTSBURGH (CN) – Newly indicted over its botched response to lead-poisoning risks, the Pittsburgh Water and Sewer Authority reached a \$50 million settlement Thursday that includes water-line replacements and filters for low-income residents. The Natural Resources

Defense Council has flagged Pittsburgh's lead levels as high since at least 2016, but even low levels of lead have been shown to cause serious and permanent nervous system damage — particularly in pregnant women and small children. The NRDC estimates that Pittsburgh's is the second-largest water system in the country well over the action level for lead set by the U.S. Environmental Protection Agency. Just last week, the crisis inspired the Pennsylvania Attorney General's Office to bring criminal charges. Though the Pittsburgh Water Authority undertook a lead pipe replacement program in 2016 and 2017, prosecutors say post-construction testing showed lead levels in the water had actually increased, placing more than 150 households at elevated risk of lead poisoning. Though the agency previously admitted civil liability, paying out \$2.4 million in fines to the state, it will fight the criminal charges. Thursday's settlement meanwhile will force the authority to prioritize replacements in neighborhoods that face the greatest risk of lead exposure, while also providing residents with more resources like free filters and replacement cartridges. The city is committing as well to more time spent talking to residents who refuse to get their water lines replaced. Additionally, PWSA will restrict its use of partial lead line replacements, which often leads to short-term lead level increases in the water...

ASSOCIATED PRESS (Pa.)

Pittsburgh water agency to spend \$50M to replace lead pipes Pittsburgh's beleaguered water authority will spend \$50 million to replace lead service lines, give filters to low-income residents and take other steps to address the city's lead crisis under a settlement approved Thursday by state utility regulators. It comes a week after the Pennsylvania attorney general's office filed criminal charges against the Pittsburgh Water and Sewer Authority, alleging it mishandled a lead pipe replacement program in 2016 and 2017 and put more than 150 households at elevated risk of lead poisoning. The authority, which had previously admitted civil liability in the case and was fined \$2.4 million by state environmental regulators, is fighting the charges. Clean-water advocates hailed Thursday's settlement as a significant step toward reducing lead levels in the city's drinking water, and as a model for other cities also struggling with lead. "The people of Pittsburgh have been drinking lead-contaminated water for far too long. This settlement requires aggressive, affordable solutions to protect public health and hold officials accountable to the people they serve. It's what Pittsburgh and every community in America deserves," Dimple Chaudhary, an attorney for the Natural Resources Defense Council, said in a statement. Chaudhary, who led a lawsuit over lead water pipes in Flint, Michigan, represented a coalition of Pittsburgh community, labor, religious and environmental groups in the Pittsburgh Water and Sewer Authority's rate case before the Public Utility Commission. The utility agreed to accelerate its existing lead line replacement program, promising to swap out 3,800 of its own water lines and 2,800 privately owned lines, at no charge to residents, this year and next. The money will come from grants and a loan from the Pennsylvania Infrastructure Investment Authority, or Pennvest, which funds sewer, storm water and drinking water projects throughout the state...

WASHINGTON, D.C.

WASHINGTON POST

Congress resumes quest to fund Trump's infrastructure plan Two days after President Trump told Congress that the time had come to tackle roads, bridges and transit, the House Transportation Committee began the difficult task of crafting a bipartisan plan to bolster the nation's aging infrastructure. Congress has a narrow window — perhaps less than a year — to achieve its infrastructure goals before it's caught in the crossfire of the 2020 presidential election. "I think the stars are aligned for a big infrastructure bill," Ray LaHood, a Republican who served as transportation secretary under President Barack Obama, told the committee Thursday. "It's got to be big and it's got to be bold. It can't be chintzy." Rep. Peter A. DeFazio (D-Ore.), the new chairman of the committee, began the hearing by using his phone to sound an alarm. "This is the alarm sounding for America's infrastructure," he said as laughter broke out. DeFazio pointed to a \$2 trillion investment gap in infrastructure cited by the American Society of Civil Engineers. "The cost of inaction has incredibly serious consequences that far, far exceed the cost of were we to belly up, suck it up a little bit, and [come up] with the money we need," DeFazio said. "The more we defer, the more it costs." Trump's message in the State of the Union address, about the need "to rebuild and revitalize our nation's infrastructure," was reassuring to advocates who remember him speaking out on the subject during the campaign and again after taking office. "Both parties should be

able to unite for a great rebuilding of America's crumbling infrastructure," Trump said in his speech. "I know that Congress is eager to pass an infrastructure bill. And I am eager to work with you on legislation to deliver new and important infrastructure investment, including investments in the cutting edge industries of the future. This is not an option. This is a necessity." ...

Hurricanes are strengthening faster in the Atlantic, and climate change is a big reason why, scientists say A group of top hurricane experts, including several federal researchers at the National Oceanic and Atmospheric Administration, published striking new research Thursday suggesting that hurricanes in the Atlantic Ocean have grown considerably worse, and climate change is part of the reason why. The study focused on rapid intensification, in which hurricanes may grow from a weak tropical storm or Category 1 status to Category 4 or 5 in a brief period. They found that the trend has been seen repeatedly in the Atlantic in recent years. It happened before Hurricane Harvey struck Texas and before Hurricane Michael pummeled the Gulf Coast with little warning last fall. Hurricane Michael, for example, transformed from a Category 1 into a raging Category 4 in the span of 24 hours. The study, published in Nature Communications, describes its conclusion in blunt language, finding that the Atlantic already has seen "highly unusual" changes in rapid hurricane intensification, compared to what models would predict from natural swings in the climate. That led researchers to conclude that climate change played a significant role...

The Green New Deal is generating lots of left-wing enthusiasm. But not every Democrat is on board A pair of prominent Democrats on Thursday released a sweeping and long-awaited measure outlining what they are calling a "Green New Deal." Invoking President Franklin D. Roosevelt's years-long effort to drag the country out of the Great Depression, they are calling for nothing short of a top-to-bottom renovation of the U.S. economy in order to halt man-made climate change. Their measure was greeted rapturously by climate activists eager to stop what they see as a looming threat. Immediately, it had the backing of four Democratic senators who have launched bids for the 2020 presidential nomination. It is still early days for the Green New Deal, and it probably will gain more supporters. But fault lines within the Democratic caucus were already visible before the end of the day, with some members urging caution about setting vague and, at times, impossible-to-achieve goals to only fall short...

WASHINGTON EXAMINER

Infrastructure, crumbling "Both parties should be able to unite for a great rebuilding of America's crumbling infrastructure," President Trump said in his State of the Union address on Tuesday — but his failure to provide specifics left Democrats wondering how likely it is that the two sides can reach common ground. "The Trump Administration has failed repeatedly over the past two years to put forth a serious proposal on how to address our infrastructure needs," House Majority Leader Steny Hoyer, D-Md., said in a statement to the *Washington Examiner*. "The President's comments on the need to work together to improve our nation's infrastructure are a good start, but action must be taken." ...

DELAWARE

WILMINGTON NEWS JOURNAL

What the federal lawsuit over a safe injection site lawsuit could mean for the country

A new federal lawsuit against a Philadelphia nonprofit could determine the future of supervised drug consumption sites across the United States

MIDDLETOWN TRANSCRIPT

Carper releases statement introduction of Green New Deal resolution Sen. Tom Carper, top Democrat on the Senate Environment and Public Works Committee, released a statement Feb. 7 about the Green New Deal resolution introduced in the Senate by Sen. Ed Markey, D-Massachusetts, a member of the EPW Committee. "Many years ago, as a young naval flight officer stationed in the San Francisco Bay Area preparing for my first of three tours of duty in

Southeast Asia during the Vietnam War, I joined tens of thousands of Americans to celebrate our country's first-ever Earth Day. That was back when our rivers were on fire, factories spewed toxic fumes and industries polluted our air and water with impunity. The urgency was clear," said Carper. "Today, as the top Democrat on the Senate Environment and Public Works Committee — the committee responsible for oversight and legislative responsibilities related to climate change and infrastructure — I'm encouraged to see a new generation of Americans coalesce around bold ideas to address climate change, the greatest threat facing our planet. The environmental activism we see now bears witness to the movement that started then," said Carper...

WEST VIRGINIA

CHARLESTON GAZETTE-MAIL

Senate passes controversial water bill A controversial water bill that supposedly didn't leave anyone happy has passed the West Virginia Senate and is headed to the House of Delegates. The rules bundle (Senate Bill 167) includes changes to the way the state handles water quality and human health criteria. The proposed rules were first sent from the state Department of Environmental Protection to the legislative rule-making committee, which decided to strip the rule of updates to 60 pollutants. The updates matched the federal Environmental Protection Agency's 2015 recommendations...

Record high in Charleston to be followed by more winter On Thursday, Charleston broke a two-year-old record for warm temperatures — which may make the next few days feel all the colder...

WEST VIRGINIA PUBLIC BROADCASTING

An Environmental 'Nightmare' in Minden, W. Va. (Audio link - Minden discussion begins at 11:20) West Virginia Public Broadcasting's Energy and Environment Reporter Brittany Patterson joins us again on The Legislature Today to lead a discussion exploring environmental issues in West Virginia. She brings us a special report from Minden, West Virginia, and she chats with a lawmaker in the House of Delegates who's also an environmental scientist...

2 Bills Aim To Address Water, Sewer Infrastructure Issues On this West Virginia Morning, Senate Bill 500 was recently introduced to create the Sewer and Water Infrastructure Replacement Act. Another bill, SB 153 focuses on helping communities that struggle with decaying water systems. Both could help mitigate some of the dire situations common in southern West Virginia. Molly Born brings us a report exploring some of the water infrastructure issues in Mingo County. Her story is part of a reporting project called Stirring the Waters and is part of a journalism initiative called Report for America, a program under The Ground Truth Project. We continue our look at water infrastructure needs with an interview from The Legislature Today. Charleston Gazette-Mail reporter Caity Coyne spent 6 months documenting the water system issues in southern West Virginia. She joined host Suzanne Higgins to share her experience. West Virginia Morning is a production of West Virginia Public Broadcasting which is solely responsible for its content. Support for our news bureaus comes from West Virginia University, Concord University, and Shepherd University...

WEST VIRGINIA METRO NEWS

Water quality rule approved on environmental day at capitol CHARLESTON, W. Va. — The Senate passed along party lines on Thursday a water quality rule that has been the subject of a months-long tug of war between environmental and business interests. Judiciary chair Charles Trump, R-Morgan, opened his explanation of the rule and his action on it by saying, "I think I've succeeded in making absolutely everyone unhappy." Agency rules are how they carry out their duties dictated in state code. They're typically eye-glazing things that don't draw much press or attention. But this one drew a couple dozen people to a rally before the floor session — some

of them wearing green or blue T-shirts proclaiming them a “rogue environmentalist.” The rule is included in SB 163, a rules bundle containing eight separate rules bills. It deals with Department of Environmental Protection human health standards for wastewater permits and pollutants – some of them carcinogenic – in wastewater discharge. The U.S. EPA recommends levels for 93 contaminants, but doesn’t mandate states follow those recommendations. West Virginia, as with most states, doesn’t regulate all 93. In July, following its triennial review, it proposed a rule adopting EPA recommendations for 60 of the pollutants. Not all of the new standards were stricter than the previous, some allowed higher levels of the particular chemical or compound. In November, the interim Rule Making Review Committee, at the behest of industry, asked DEP to withdraw its recommendation and retain the standards EPA set in the mid-1980s...

MARYLAND

BALTIMORE SUN

State bill to bring plastic bag fee to Howard County advances in General Assembly State lawmakers representing Howard County voted Wednesday to advance a bill that could lead to a county fee on plastic bags. The bill, sponsored by Del. Terri Hill and advanced from the delegation, doesn’t set a fee but would permit the County Council and county executive to do so — up to 5 cents...

CHESAPEAKE BAY JOURNAL

New Bay cleanup plans on schedule despite federal shutdown Despite a 35-day government shutdown that sidelined federal agency involvement, Chesapeake Bay restoration leaders say they are committed to maintaining the deadline to complete new cleanup plans. Senior state and federal officials said at a meeting last week that they intend to complete draft watershed implementation plans and submit them to the U.S. Environmental Protection Agency for review by the original deadline of April 12. “I would say it would be premature right now to revise the Phase III WIP schedule,” said Maryland Department of the Environment Secretary Ben Grumbles, who chairs the Bay Program’s Principals’ Staff Committee. While the closure caused some delays, such as the ability to share and analyze data related to plan development with federal officials, Grumbles said, it was important for states to “reiterate our strong commitment to staying on schedule as much as possible.” The shutdown had raised concerns that it could delay development of the plans, an issue that even came up during the Senate confirmation hearing for Andrew Wheeler, now acting EPA administrator, to head the agency. States are required to write updated plans showing how they will meet cleanup goals established in the Chesapeake Bay Total Maximum Daily Load, often called the Bay’s “pollution diet,” from now through the 2025 cleanup deadline. The plans have to show what actions the states will take to achieve the needed nutrient and sediment pollution reductions to restore the Bay’s health, and demonstrate that states have adequate programs, staffing, regulations, funding and other support necessary to achieve the goals. The plan-writing process is also supposed to involve local leaders and include more localized pollution reduction planning targets...

Striped bass population in trouble, new study finds Striped bass, one of the most prized species in the Chesapeake Bay and along the Atlantic Coast, are being overfished according to a new assessment of the stock’s health — a finding that will likely trigger catch reductions for a species long touted as a fisheries management success. The bleak preliminary findings of the assessment were presented to the Atlantic States Marine Fisheries Commission, a panel of fisheries managers, on Wednesday. The full analysis was not available. Its completion was delayed by the partial government shutdown, which sidelined biologists in the National Marine Fisheries Service who were working to complete the report. But, noted Mike Armstrong of the Massachusetts Division of Marine Fisheries, who also chairs the ASMFC’s Striped Bass Management Board, the final results “will likely be the same when [the report] comes out.” The board asked its technical advisers to estimate the level of catch reductions needed to bring the stock above management targets at its May meeting, when the stock assessment is expected to be ready for approval. “We know it is going to be pretty drastic,” said John Clark of the Delaware Division of Fish and Wildlife, a member of the board. The findings of the assessment were a bit of a surprise. Though the overall population was known to be declining, striped bass are often

considered a signature success for fishery management...

CHESAPEAKE BAY MAGAZINE

Md. Cracks Down on Idling School Bus Pollution The bus and car pool lines at Bay-region schools are polluting the air we breathe, and the state of Maryland just launched a new program to change that. As school bus drivers and parents wait for students to be let out from school, they usually keep their vehicles running— and that's pumping toxins into the air. Of course, the first people to breathe in those toxins are school children. Now the Maryland Departments of the Environment (MDE) and Education are teaming up for the new "Idle Free MD" Program. It aims to reduce school bus and other vehicle emissions in school dropoff and pickup areas. Studies show that idling for more than 1 seconds uses more fuel, and thus, produces more carbon monoxide, than stopping and restarting an engine. Simply turning off vehicles in the pickup line would cut levels of carbon dioxide, particles, and nitrogen oxide pollution in the air, improving the health of students. "Children are particularly vulnerable to vehicle exhaust pollution, which can cause cancer, asthma, and other serious illnesses," says Environment Secretary Ben Grumbles. There's a threat to the Bay and its ecosystem, too. Reduced carbon dioxide and nitrogen levels in the atmosphere lead to healthier marine life, according to MDE. 23 schools around the state have already put anti-idling measures into place in their bus loading zones, and the state wants more schools to step forward and adopt the measures, too. "We are gratified that so many schools and school systems have stepped forward voluntarily to join in this program. We expect them to be the first of many," says Dr. Karen Salmon, State Superintendent of Schools. But what about all that starting and stopping? What about keeping the engine warm? According to the state, idling is actually worse for your vehicle's engine than idling is: "Idling damages engines and decreases engine life..."

WATER ONLINE

EPA Seeking Applications For Work On The Conowingo Watershed Implementation Plan (The Chesapeake Bay Program Partnership has unanimously agreed to develop a collaborative Watershed Implementation Plan (WIP) to address pollutants associated with the loss of trapping capacity in the reservoir behind the Conowingo Dam. The Conowingo Dam sits across the Susquehanna River, a major tributary to the Chesapeake Bay. Studies conducted over the last several years have demonstrated that the Conowingo Dam reservoir has reached equilibrium and is no longer trapping nutrients. Therefore, an additional reduction of six million pounds of nitrogen and 260,000 pounds of phosphorus is needed to mitigate the water quality impacts of the lost trapping capacity. The U.S. Environmental Protection Agency (EPA) is seeking the support of organizations that can develop, finance and implement a WIP. In a Request for Applications (RFA) issued this week, EPA announced that it plans to award one to three cooperative agreements for work that will support the collective efforts of seven Chesapeake Bay watershed jurisdictions, along with other non-federal partners, to help restore the Chesapeake Bay. EPA supports a flexible approach to restoring the Bay through the implementation of a collaborative WIP, which was agreed to by all of the Bay jurisdictions: Delaware, the District of Columbia, Maryland, New York, Pennsylvania, Virginia, and West Virginia. The major work activities proposed by the RFA include: ...

SCIENCE DAILY

Manure injection offers hope, challenge for restoring Chesapeake water quality Widespread adoption by dairy farmers of injecting manure into the soil instead of spreading it on the surface could be crucial to restoring Chesapeake Bay water quality, according to researchers who compared phosphorus runoff from fields treated by both methods. However, they predict it will be difficult to persuade farmers to change practices. In a four-year study, overland and subsurface flows from 12 hydrologically isolated research plots at Penn State's Russell E. Larson Agricultural Research Center were measured and sampled for all phosphorus constituents and total solids during and after precipitation events. During that period, from January 2013 to May 2017, the plots were planted with summer crops of corn and winter cover crops of cereal rye. Half the plots received broadcast manure applications, while the others had manure injected into the soil. Researchers evaluated loads of total phosphorus, dissolved phosphorus, particulate phosphorus and total solids against flow volumes to learn how phosphorus and sediment losses differed between plots. Shallow-disk injection of manure was found to be more effective than broadcasting manure in promoting dilution of dissolved phosphorus and to a lesser extent, total phosphorus. The broadcast manure plots experienced more runoff of particulate phosphorus than did the injection plots...

SOUTHERN MARYLAND NEWS

State funding available for septic upgrades Whether you're an environmentalist seeking to "save the bay" or simply a property owner looking to upgrade his or her septic system, St. Mary's County Health Department's Clear Water program is offering a pool of \$1.5 million from the state Bay Restoration Fund for residents to replace existing private systems, or connect to public water and sewer lines. The county program administers the funds locally, made available through Maryland Department of the Environment, for property owners who wish to upgrade their septic system to a nitrogen-reducing advanced treatment unit, effectively treating effluent that pollutes the Chesapeake Bay and its tributaries...

VIRGINIA

FREDERICKSBURG FREE LANCE STAR

Virginia, Omega fend off punishment for ignoring menhaden catch cap REEDVILLE—Atlantic Coast commissioners who protect fishery resources voted Thursday to postpone indefinitely an enforcement action against Virginia and the coast's biggest harvester of menhaden for refusing to comply with a cap on harvests of the fish in the Chesapeake Bay. The move averts the uncomfortable decision for the commissioners on the Menhaden Management Board to recommend that Virginia and Omega Protein Corp. be punished. One of the options included a federal moratorium on fishing for Atlantic menhaden in Virginia's state waters, a main fishing ground for Omega. The vote for a delay was 17-1, with Pennsylvania voting no. Unlike other states, Virginia's legislature oversees the menhaden fishery. It has refused to pass legislation confirming the annual cap of 51,000 metric tons put into place last year by ASMFC. Bills failed again during this session. "Nor do I anticipate, based on the history that I've seen throughout, it occurring any time in the near future," Virginia's representative, Steve Bowman, who heads the Virginia Marine Resources Commission, told the board, while thanking them for their understanding. There were two main factors in Thursday's decision. Omega's harvests have not exceeded the Chesapeake Bay cap since 2012, according to Bowman, who relied on data provided by the federal National Marine Fisheries Service that monitors the company. Another is a lack of science. The scientific data available to commissioners is old and in the process of being updated. The commission is anticipating the latest coastal population assessment of menhaden and a report, due out next year, on predator species such as striped bass and bald eagles, that rely on the fish in diet. Those are a main concern of anglers and conservationists. Commissioners have been debating the sustainability of the menhaden fishery for more than a decade. The small fish runs in large schools up and down the coast as well as into the Chesapeake Bay...

MISCELLANEOUS

GOVERNMENT EXECUTIVE

Thousands of Feds Still Await Back Pay After Shutdown Despite efforts to ensure that federal workers impacted by the 35-day partial government shutdown received back pay as quickly as possible, an official at the government's largest payroll processor confirmed Thursday that "thousands" of employees at the Homeland Security Department are still waiting for their first paycheck of the year, *Government Executive* has learned. And employees at other agencies say they still are missing a significant chunk of what they were owed and it is unclear when they will be made whole...

BLOOMBERG ENVIRONMENT

Fluorochemical Suits Could Continue Even if EPA Acts Lawsuits against companies that have made or used emerging drinking water contaminants could continue to grow even if EPA sets national limits for them, according to attorneys who deal with the issue. "I suspect you'll see more litigation around the country" as sampling to detect per- and polyfluoroalkyl (PFAS) substances increases, said Matthew D. Thurlow, a partner in BakerHostetler LLP's Washington and

Los Angeles offices. "You're just seeing the tip of this litigation." New Hampshire and other states are pursuing regulations that would increase mandatory sampling of PFAS, said Thurlow, whose law firm often represents major corporations in personal injury and other legal challenges. Thurlow spoke Feb. 7 during a session on the emerging contaminants held during the Environmental Law 2019 forum in Washington, D.C. Whatever action the Environmental Protection Agency takes is unlikely to quell litigation, Stephen G. Schwarz, a managing partner with Faraci Lange, LLP's Rochester, N.Y. office, told Bloomberg Environment following a presentation he gave at the legal forum...

EPA Lacks Authority to Undo Mercury Power Rule, Top Lawyer Says The EPA can't legally withdraw Obama-era toxic air pollution standards for power plants, even as it rewrites the cost justification for those limits, the agency's top lawyer said Feb. 7. "We don't believe we have the legal authority to do that," EPA General Counsel Matthew Z. Leopold said at the Environmental Law 2019 conference. He cited a 2008 decision issued by the U.S. Court of Appeals for the District of Columbia Circuit in New Jersey v. EPA that "closed that door." In that decision, the D.C. Circuit struck down the Bush administration's Clean Air Mercury rule, which had sought to use a market-based mechanism to control mercury from power plants. The EPA under the Obama administration issued new requirements in 2012 for controlling mercury from power plants, but those standards and their cost justification were also challenged in court...

Green New Deal Would Cut U.S. Emissions & More: BGOV Closer Look The U.S. would achieve net-zero greenhouse gas emissions within 10 years under nonbinding resolution released by Rep. Alexandria Ocasio-Cortez (D-N.Y.) and Sen. Ed Markey (D-Mass.). The resolution outlines what proponents are calling a "Green New Deal," referencing the resolution's focus on climate change and the post-Depression policies of President Franklin Delano Roosevelt. The resolution's preamble credits federal efforts during World War II and the New Deal with creating "the greatest middle class that the United States has ever seen," but says that many communities were excluded from those benefits. "This resolution sets out a non-exhaustive list of several major projects that need to be completed fast," according to an FAQ from Ocasio-Cortez's office. "These include upgrading virtually every home and building for energy efficiency, building 100% greenhouse gas neutral power generation systems, removing greenhouse gases from industry and agriculture and more." ...

Some Climate-Hawk Democrats Cool on Green New Deal Many Democrats who have been active on climate change aren't rushing to embrace the Green New Deal resolution unveiled Feb. 7, saying Congress is too far from a consensus on what to do about the issue. The Green New Deal's ambitious approach, outlined in a resolution by Rep. Alexandria Ocasio-Cortez (D-N.Y.) and Sen. Ed Markey (D-Mass.), has the backing of some of the Senate's heavy hitters. They include several vying to be the 2020 Democratic presidential nominee, such as Sens. Kamala Harris (D-Calif.), Cory Booker (D-N.J.), and Kirsten Gillibrand (D-N.Y.). But a split exists among Democratic backers of climate action on the Senate Environment and Public Works Committee, a panel that includes Gillibrand and Booker, that would have to do the heavy lifting on any climate legislation. Sens. Sheldon Whitehouse (D-R.I.), Ben Cardin (D-Md), and Chris Van Hollen (D-Md.) all told Bloomberg Environment they aren't ready to endorse the resolution. The same is true for some other usually reliable backers of climate action who aren't on the committee, including Sen. Brian Schatz (D-Hawaii) and Maine Sen. Angus King, an independent who caucuses with Democrats. Rallying behind the green deal now, Whitehouse said, risks making it an easy target for powerful opponents, including the fossil fuel industry and Republicans who still control the Senate...

Pelosi Stops Short of Endorsing Ocasio-Cortez's 'Green New Deal' House Speaker Nancy Pelosi (D-Calif.) didn't throw her support behind a sweeping package of climate-change measures unveiled Feb. 7 by Rep. Alexandria Ocasio-Cortez (D-N.Y.), but Pelosi lauded the backers' "enthusiasm." ...

GREENWIRE / E&E NEWS

Federal Workforce: Democrats introduce pay raise measure Democrats from the House and Senate are teaming up again on legislation to give federal workers a pay raise in 2020. Rep. Gerry Connolly of Virginia and Sen. Brian Schatz of Hawaii are reintroducing the "Federal Adjustment of Income Rates (FAIR) Act" to boost federal worker salaries by 3.6 percent in 2020. The lawmakers linked the need for the pay increases to the recent partial government shutdown, which forced around 800,000 federal workers to go without two paychecks more than 35 days. Schatz noted that federal workers across the country have seen earnings slashed due to sequestration and pay freezes in recent years. "Then they had to suffer through the longest government shutdown in history. It's time to do right by federal workers. Our bill would help

give these public servants the raise they deserve," he said in a statement. The reintroduction of the "FAIR Act" follows efforts by both lawmakers to increase salaries for federal employees this year. Last week, the House passed legislation co-sponsored by Connolly that would give federal workers a 2.6 percent raise for 2019. A companion bill, co-sponsored by Schatz, is promoting the same level increase. The Democratic bills are aimed at reversing a federal worker pay freeze President Trump put in place for 2019. Unions such as the National Federation of Federal Employees, the American Federation of Government Employees and the National Treasury Employees Union supported the "FAIR Act," saying it would be an important tool for attracting talented people to government jobs and help paychecks keep up with the rising cost of living...

Air Pollution: MATS proposal isn't 'underhanded' attack — EPA lawyer EPA's top lawyer sought to allay concerns today that the agency is seeking to roll back mercury emissions standards for power plants. While EPA is reconsidering the legal justification for the Mercury and Air Toxics Standards, General Counsel Matt Leopold maintained the agency doesn't intend to change emissions limits themselves — even though it has requested public comment on that possibility. "Asking for comment is a way to make the rulemaking more defensible," he said during a panel discussion organized by the Environmental Law Institute and the American Law Institute. "It's not an underhanded way to go after the emissions standards." Leopold was responding to criticism from Environmental Defense Fund attorney Vickie Patton, who accused EPA of a lateral attack on the rule. "I want to be clear that EPA is taking public comment on repealing these safeguards," she said. "It is out there. It is part of the scope of the rulemaking." EPA's proposal, which appeared in the *Federal Register* today, reconsiders the Obama-era determination that regulating mercury, arsenic and other hazardous air pollutants at coal- and oil-fired power plants was "appropriate and necessary." Trump EPA officials say they must revisit the finding to comply with a 2015 Supreme Court decision that ordered the agency to consider compliance costs for the regulation...

Water Pollution: EPA urges states to put free-market principles into permitting EPA is encouraging states to consider water quality trading programs to clean up pollution in a memo sent to regional administrators yesterday. Water quality trading programs encourage landowners, including farmers, to take steps to prevent runoff from stormwater from flowing into nearby waterways. Landowners receive "credits" for their efforts that they can sell to downstream polluters such as wastewater treatment plants, which will use the credits to help meet permit requirements. The practice has been controversial. While some argue it is an innovative way to tackle agricultural runoff and other "nonpoint-source" pollution that is not regulated under the Clean Water Act, some environmental groups argue that it gives point-source polluters a loophole to avoid permit requirements. EPA and USDA made a push to jump-start water quality trading nationwide during the George W. Bush administration, which culminated in a 2003 memo...

COAL: Trump actions speak louder than SOTU silence — industry President Trump did not mention his favorite "beautiful, clean" industry during the State of the Union, but coal boosters dismissed the idea they have been forgotten. "It does not bother us at all," said Bob Murray, CEO of Murray Energy Corp. and perhaps coal's most vociferous Trump champion. Trump mentioned coal exactly once during each of his previous two annual addresses to Congress. "We're going to stop the regulations that threaten the future and livelihood of our great coal miners," the president said during his 2017 speech. A year later, in his first official State of the Union, Trump declared: "We have ended the war on American energy, and we have ended the war on beautiful, clean coal." Crediting his administration for slashing more regulations, the president bragged the nation was becoming a net exporter of energy (*E&E Daily*, Jan. 31, 2018). This year, he again hailed an American energy "revolution" but omitted coal from a list of success stories alongside oil and natural gas. Some saw it as a sign the White House is turning its back on an industry still struggling to compete...

Climate: Democrats name committee members House Democrats this morning announced which lawmakers they plan to appoint to a new committee on climate change, a move that underlines the party's intent to make global warming a priority this Congress — at least rhetorically. The list of nine names includes a mix of veteran legislators and new faces, including freshman Rep. Mike Levin (D-Calif.), who launched his congressional campaign by sending then-incumbent Rep. Darrell Issa (R-Calif.) a copy of the book "Climate Change for Beginners." "The American people have spoken, and demanded bold action to take on the climate crisis, which is the existential threat of our time," said House Speaker Nancy Pelosi (D-Calif.) in a statement that accompanied the announcement. "We are thrilled to welcome so many visionary leaders and strong voices to our new Select Committee on the Climate Crisis, which will be vital in advancing ambitious progress for our planet," said Pelosi. Notably absent from the group was first-term lawmaker Rep. Alexandria

Ocasio-Cortez (D-N.Y.), who joined liberal activists last year in a protest of Pelosi over climate policy. Ocasio-Cortez said this morning that Pelosi had asked her to be on the select panel, but she declined because she already has a full docket of committee assignments. "I don't think that this was a snub," Ocasio-Cortez said, adding that she has spoken to Pelosi "at length" about climate...

Democrats duel for climate spotlight Democrats duelled for press coverage on their climate agendas this morning, much to the pleasure of major environmental groups that helped them take back the House. Sen. Ed Markey (D-Mass.) and Rep. Alexandria Ocasio-Cortez (D-N.Y.) gathered reporters outside the Capitol to release their "Green New Deal" resolution, a road map of progressive policy goals to tackle climate change and massively transform the American economy. "Today is the day that we truly embark on a comprehensive agenda of economic, social and racial justice," said Ocasio-Cortez. The release came on the same day that House Speaker Nancy Pelosi (D-Calif.) made public the members of the newly minted Select Committee on the Climate Crisis, highlighting divides in the party about how to message on climate and just how aggressively to tackle emissions. Pelosi, like Ocasio-Cortez, warned of the "existential threat" caused by climate change and promised bold action as "time is of the essence."...

EPA: Appointee resigns, will form group to support Trump A senior EPA political appointee involved in the administration's climate policies is leaving the agency to form an advocacy group allied with President Trump. Mandy Gunasekara highlighted her efforts to streamline industrial permitting and ease vehicle fuel efficiency rules in her resignation letter to Trump. "Leaving is a difficult decision, but starting tomorrow, I am launching a new organization built to defend you and the many energy, regulatory and economic successes of your bold and pragmatic agenda," she wrote in the letter dated today. Gunasekara's letter — which was released by EPA's press office — touts her work to repeal "the disastrous Clean Power Plan" and to create opportunities for what Trump calls "beautiful clean American coal." ...

Chemicals: Appeals court to revisit chlorpyrifos ban Federal appeals court judges have agreed to revisit a 2018 decision ordering EPA to ban the pesticide chlorpyrifos. The 9th U.S. Circuit Court of Appeals yesterday granted the agency's request for rehearing before the full slate of active judges on the court. A three-judge panel last August ordered EPA to revoke its approval of the farm chemical. In a 2-1 opinion, the court found the agency had failed to explain its 2017 decision to reject a proposed ban even after identifying health risks. The court's move is a setback to environmentalists and public health advocates who have been working for years to restrict chlorpyrifos, which is sprayed on many U.S. food crops and has been linked to neurological development problems in children. "EPA's own scientists have said for more than two years that chlorpyrifos is harmful, particularly to children," said Patti Goldman, the Earthjustice managing attorney handling the case, said in a statement. "Any delay to ban this toxic chemical is a tragedy."...

OCEANS: 'Recycling alone is not enough to solve the plastics crisis' Ocean advocates are pushing back on a pro-industry approach to the global plastic pollution crisis. A corporate campaign by the Alliance to End Plastic Waste pledging huge investments to tackle the problem received a lukewarm response from environmental corners. The alliance, composed of over two dozen plastics and petrochemical companies, says it will spend \$1.5 billion to help nations improve their solid waste collection and recycling systems. But environmentalists criticized the emphasis on waste management and recycling, though insisting they don't oppose expanded recycling initiatives. Instead, the groups say they want to see the companies dramatically reduce their production of single-use plastic items and find alternatives to plastic packaging. Nongovernmental organizations promise to continue pressing for laws discouraging or outright banning plastic items used once and then thrown away. "Recycling alone is not enough to solve the plastics crisis," warned officials at Oceana. "We must reduce the amount of single use plastic being produced at the source. We must demand that companies reduce the amount of plastic they are putting into the supply chain and find alternative ways to package and deliver their products."...

Carbon Capture: Research funding legislation returns Senators today revived two bipartisan bills bent on boosting carbon capture and sequestration (CCS) in the United States. Senate Environment and Public Works Chairman John Barrasso (R-Wyo.) introduced the latest "Utilizing Significant Emissions With Innovative Technologies Act," [S. 383](#). Sen. John Hoeven (R-N.D.) put forward the "[Carbon Capture Modernization Act](#)." "Congress needs to help make American energy as clean as we can, as fast as we can, without raising costs on consumers," Barrasso said in a statement. "This bill supports groundbreaking innovation to address climate change. Carbon capture and utilization technologies hold the

key to major emissions reductions." The bill would direct EPA to conduct CCS research through an amendment to the Clean Air Act. It would also make CCS and carbon dioxide pipeline projects eligible for streamlined permitting under the 2015 Fixing America's Surface Transportation Act, the last national infrastructure package passed by Congress...

NEW YORK TIMES

Democrats Formally Call for a Green New Deal, Giving Substance to a Rallying Cry WASHINGTON — House Democrats put flesh on their bold "Green New Deal" slogan on Thursday with a sweeping resolution that calls for the United States to pump no additional carbon into the atmosphere by 2030 while creating jobs and health care for millions of people. The legislative prospects for the measure were bleak in the foreseeable future; a resolution is essentially a statement of intention, and Speaker Nancy Pelosi of California has no plan to bring it to the floor for a vote, according to a Democratic leadership aide with direct knowledge of her plans. Ms. Pelosi countered with a move of her own on Thursday, naming the Democrats who will lead a new special select committee on climate change — and leaving off the chief architect of the Green New Deal, Representative Alexandria Ocasio-Cortez of New York. Still, the measure, drafted by Ms. Ocasio-Cortez and Senator Edward J. Markey of Massachusetts, gives shape and substance to an idea that, until now, had been a vague rallying cry for a grand stimulus package around climate change.